

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82813 of 2019**

Arising Out of PS. Case No.-637 Year-2019 Thana- FORBESGANJ District- Araria

Md. Khurshid, Son of Late Fida Hussain, Resident of Village - Rampur
Dakshin, Ward No. 07, P.S.- Forbesganj, Distt - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 13-12-2019 Heard both sides.

The petitioner seeks bail in connection with Forbesganj P.S. Case No. 637 of 2019, registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 326, 307, 364 and 379 of the Indian Penal Code.

The informant alleged that he was informed on telephone that his JCB Machine was being forcibly taken away by accused former Mukhiya, Md. Irfan(husband of the present Mukhiya) and his supporters. The informant and his two brothers rushed to the place of occurrence on motorcycles and, thereafter, suddenly altogether 21 persons including the petitioner, having different weapons, surrounded and assaulted them with kicks, fists and Farsa and dragged them at the door of Md. Irfan (husband of the present Mukhiya) and tied them.



When the informant's father Ainul Haque came there to rescue his sons, all the accused persons also assaulted the informant's father, due to which he became unconscious. It is further alleged that they sprinkled Petrol on the body of his son and, thereafter, set ablaze but local people saved his son from burning and his son got burn injury on the right leg as well as on the right hand. The informant further alleged that one of his brother, namely, Md. Sanovar is traceless from the time of the said occurrence, who also became seriously injured in the occurrence.

Learned counsel for the petitioner submits that Sanover, brother of the informant, as alleged, was missing, for which a report has already been submitted on 4th April, 2018 before the Officer Incharge of Pilibanga Police Station, District-Hanumangarh in the State of Rajasthan and search was already going on in Rajasthan but taking advantage of the fact of missing the brother of the informant, the informant also made false allegation. The present case is counter version of Forbesganj P.S. Case No.646 of 2019. He submits that the injuries found on the persons of the informant as well as his brothers are opined to be simple in nature. So far as the burn injury on the person of son of the informant is concerned, the injuries are simple in nature. He submits that similarly situated



other accused persons Md. Habi and Md. Shamim have already been granted anticipatory bail by order dated 15.10.2019 passed in Cr.Misc. No.59864 of 2019 and Md. Taufique and other three accused persons were also granted anticipatory bail by order dated 15.11.2019 passed in Cr.Misc.No.67957 of 2019. The case of the petitioner stands on similar footing, as there is no specific allegation of assault against the petitioner. The petitioner is in jail since 18.08.2019.

Taking into consideration the fact that the petitioner is 'of course' named in the F.I.R., but there is no specific allegation against him and the fact that similarly situated other accused persons have already been granted anticipatory bail by co-ordinate Bench of this Court, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No.637 of 2019.

(Prabhat Kumar Jha, J.)

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